

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

VERONICA GARCIA BARIOS, SP 2013-LE-094 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit reduction in the minimum yard requirements based on error in building location to permit addition to remain 8.3 ft. from side lot line. Located at 4203 Javins Dr., Alexandria, 22310, on approx. 11,624 sq. ft. of land zoned R-3. Lee District. Tax Map 82-3 ((10)) (E) 4. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 15, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. The applicant has shown that the required standards have been met.
3. The house was built in 1957, and the carport has been there in that location.
4. The roof of the structure has not changed.
5. The massing of the house is what it is; it has been that way for a long time.
6. It does not seem like it will bother anyone.
7. In fact, enclosing a carport like this might tend to hide what gets stored inside a space like that.
8. It might be more attractive.
9. There does not seem to be any opposition.
10. From the photographs, there does not seem to be any negative impact on anyone to approve the enclosure the way it is.
11. The applicant apparently was unaware of the requirement for a building permit.
12. The development conditions are going to require everything get inspected and approved.
13. The other issues in the violation all have been resolved.
14. This is ready to approve.
15. The Board has determined that the standards in the mistake section resolution have been satisfied.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;

- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.


NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is approved for the location of the addition (enclosed carport), as shown on the plat prepared titled, "Plat Showing Improvements on Lot 4, Section 3, Block E, Ridge View," prepared by Thomas G. Lutke of NoVA Surveys, dated August 5, 2013.
- 2. All applicable permits and final inspections shall be obtained for the addition (enclosed carport) within 180 days of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Byers seconded the motion, which carried by a vote of 5-0. Mr. Hammack and Mr. Beard were absent from the meeting.

A Copy Teste:



Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals